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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,867	01/21/2004	Frank M. Gevay	4256P2548CIP	3155

23504 7590 07/25/2005

WEISS & MOY PC
4204 NORTH BROWN AVENUE
SCOTTSDALE, AZ 85251

EXAMINER

PEDDER, DENNIS H

ART UNIT	PAPER NUMBER
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3612

DATE MAILED: 07/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/761,867

Applicant(s)

GEVAY, FRANK M.

Examiner

Dennis H. Pedder

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Oath/Declaration

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

A continuation or divisional requires a new declaration, MPEP 608.05(a).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-3, 6-8, 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heins in view of either Richters et al. or Williams

Heins has the fixed top and removable roof portion 11, and handles 16, 43, but lacks the teaching of a cross bar bisecting a large roof opening, a detail known in this art as evidenced by the patent to Richters et al. at 4a and by Williams in figure 1. While the division of the opening of Richters et al. is not substantially equal, it is deemed to not be a patentable distinction but to be an obvious expedient to position the cross bar in the center of the opening of Heins in order to reinforce both sides of the opening equally. The division of Williams is substantially equal. It

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would have been obvious to one of ordinary skill to provide in Heins a cross bar as taught by Richters et al. or Williams for roof reinforcement.

As to claim 2, the handle 43 is a quick release opening all latches simultaneously.

As to claim 6, Heins has prongs 13 and recessed portions at 14 of the fixed top portion.

Further, Heins has prongs 47 on the detachable roof and recessed portions 49 on the fixed roof.

As to claim 7, see reinforcing frame at 10 of Heins.

4. Claims 4-5, 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heins in view of either Richters et al. or Williams as applied to claims 1 and 8 above, and further in view of Ferrigan.

It would have been obvious to one of ordinary skill to provide in the references above a gripping arm 44 pivotally coupled to the detachable roof at an end opposite the gripping region, a locking arm 40 pivotally coupled to the gripping arm and the detachable roof at an end nearest the grip and coupled to the fixed roof at an opposite end as taught by Ferrigan in order to pressure secure the detachable roof.

As to claim 5, Ferrigan has a pad at an upper end of the stop means 46. The dimensions of the pad are deemed to "cushion" the bolt at 46 against the roof.

5. Claims 5 and 12 are further rejected under 35 U.S.C. 103(a) as being unpatentable over Heins in view of either Richters et al. or Williams as applied to claims 1 and 8 above, and further in view of Princell.

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It would have been obvious to one of ordinary skill to provide in the references above a resilient pad as taught by Princell at 68 in order to cushion a pressure latch and prevent inadvertent damage.

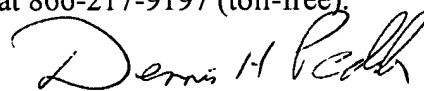
Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kerr shows a further emergency release top.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis H. Pedder whose telephone number is (571) 272-6667. The examiner can normally be reached on 5:30-2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn D. Dayoan can be reached on (571) 272-6659. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Dennis H. Pedder
Primary Examiner
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7/20/05

DHP

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